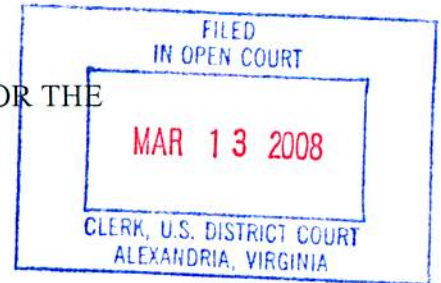


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

v.)

FARES ABULABAN,)
a.k.a. Sameh,)
Counts 1, 2 and 3,)

MOHAMMAD ALAZZAM,)
Counts 1 and 2,)

AMJAD ALOKUSH,)
Counts 1 and 2,)

IYAD ABDULLAH,)
Counts 1 and 2,)

MOHAMED EL-BECHIR,)
Count 1,)

WADDAH MUBAIDIN,)
Counts 1 and 2,)

MUNEER MAJALI,)
a.k.a. Almajali)
Count 1,)

DANNY COOPER,)
a.k.a. Indio)
Count 1,)

JOSEPH DEW,)
a.k.a. Skoot,)
Count 1,)

DANIEL PAGE,)
Count 1,)

CHRISTOPHER LOCKLEAR,)
Count 1,)

JUBAL CULVER,)
Count 1 and 4)

CHARLES JONES,)
Count 1,)

GEORGE LEMON,)
Count 1,)

EDWIN BORJAS,)
Count 1,)

CRIMINAL NO. 1:08CR101

Count 1: 21 U.S.C. §846
Conspiracy to Distribute
Cocaine and Ecstasy;

Count 2: 21 U.S.C. §841(a)(1)
Distribution of Ecstasy;
18 U.S.C. §2
Aid and Abet; and

Counts 3 through 6: 18 U.S.C. §924(c)(1)(A)(i)
Possession of a Firearm in Furtherance
of a Drug Trafficking Crime

Forfeiture: 21 U.S.C. 853

JASON YOUNG,)
Counts 1 and 5,)
DOUGLAS JAMES,)
Counts 1 and 6,)
BRUCE JOHNSON,)
Count 1, and,)
SHAWN DELMORE,)
a.k.a. Shawan)
Count 1.)

March 2008 TERM - At Alexandria

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

From at least in or about March, 2007 up to February 15, 2008, in the Eastern District of Virginia and elsewhere, the defendants, FARES ABULABAN, a.k.a. Sameh, MOHAMMAD ALAZZAM, AMJAD ALOKUSH , IYAD ABDULLAH, MOHAMED EL-BECHIR, WADDAH MUBAIDIN, MUNEEER MAJALI, a.k.a. Almajali, DANNY COOPER, a.k.a Indio, JOSEPH DEW, a.k.a. Skoot, DANIEL PAGE, CHRISTOPHER LOCKLEAR, JUBAL CULVER, CHARLES JONES, GEORGE LEMON, EDWIN BORJAS, DOUGLAS JAMES, JASON YOUNG, BRUCE JOHNSON, and SHAWN DELMORE, a.k.a Shawan, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with each other and others, known and unknown, to the Grand Jury, to possess with intent to distribute and distribute: 1) five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance; and 2) Ecstasy (3,4-Methylenedioxy amphetamine /MDA), a Schedule I controlled substance, both in violation of Title 21, U.S.C., Section 841 (a)(1).

Ways Manners and Means

The primary purpose of the conspiracy was to make as much money as possible through the distribution of cocaine and Ecstasy (MDA) in the United States of America, including the Eastern District of Virginia, and elsewhere. The ways, manners, and means by which this purpose was carried out included the following:

A. It was part of the conspiracy that the defendants and others were involved in the large scale acquisition and distribution of cocaine and Ecstasy (MDA) in the Mid-Atlantic Region of the United States;

B. It was part of the conspiracy that the defendants, above-named, and their co-conspirators played different roles, took upon themselves different tasks, and participated in the affairs of the conspiracy through various criminal acts;

C. It was part of the conspiracy that the defendants and their co-conspirators used various methods, including the use of cell phones, to conceal the conspiracy and their unlawful cocaine and Ecstasy (MDA) trafficking activities in order to insure the continuing existence and success of the conspiracy;

D. It was further part of the conspiracy that the defendants and their co-conspirators committed, attempted, and aided and abetted in the commission, of criminal offenses involving the knowing and intentional possession with the intent to distribute, and distribution, of cocaine and Ecstasy (MDA), in violation of Title 21, United States Code, Section 841(a)(1);

Overt Acts

In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

1. In or about March, 2007, FARES ABULABAN, a.k.a. Sameh, and MUNEER MAJALI, a.k.a. Almajali, met at a cafe in Georgetown, Washington, D.C.;
2. On or about March 13, 2007, FARES ABULABAN, a.k.a Sameh, participated in a meeting at the Daily Grill, in Tyson's Corner, Virginia, with a confidential informant;
3. On or about March 28, 2007, FARES ABULABAN, a.k.a. Sameh, used a communication facility (cell phone) to speak with an Bureau of Immigration and Customs Enforcement ("ICE") undercover agent, and offered to provide him with a large quantity of Ecstasy;
4. On or about April 1, 2007, FARES ABULABAN, a.k.a. Sameh, MOHAMMAD ALAZZAM, and WADDAH MUBAIDIN met at 7418 Vernon Square Drive, Apartment 301, Alexandria, Virginia, during which they agreed to sell Ecstasy to an ICE undercover agent for \$10.00 per tablet;
5. On or about April 22, 2007, MUNEER MAJALI, a.k.a. Almajali, drove from 7418 Vernon Square Drive, Apt. 301, Alexandria, Virginia to Hancock, Maryland and met MOHAMMAD ALAZZAM, who drove from New York City in a 1999 blue GMC Yukon bearing New York license plates DVV-3614, and gave MAJALI \$20,000 in cash to purchase the Sahara Cafe from FARES ABULABAN;
6. On or about April 23, 2007, MOHAMMAD ALAZZAM, MUNEER MAJALI, a.k.a. Almajali, and MOHAMMED EL-BECHIR met at the home of FARES ABULABAN in Morgantown, West Virginia;

7. On or about April 23, 2007, MOHAMMED El-BECHIR was driving a black Lincoln Town Car that contained approximately 16 kilograms of benzocaine, a chemical agent used to dilute cocaine, which was given to him at the direction of MOHAMMAD ALAZZAM.

8. On or about May 12, 2007, MOHAMMAD ALAZZAM conducted at meeting at his residence, 12 Winnebago Road, Yonkers, New York, where he offered to sell Ecstasy for \$10.00 per tablet, \$8.00 of which was to pay his supplier and \$2.00 of which was profit.

9. On or about May 14, 2007, MOHAMMAD ALAZZAM drove to the residence of WADDAH MUDAIDIN, 7418 Vernon Square Drive, Alexandria, Virginia.

10. On or about May 14, 2007, MOHAMMAD ALAZZAM used a communication facility (cell phone) to call DANNY COOPER, a.k.a. Indio, at 910-318-9760, and told him that he had a source for cocaine that could supply COOPER 30 kilograms of cocaine at \$14,000 per kilogram.

11. On or about May 21, 2007, MOHAMMAD ALAZZAM, MUNEER MAJALI, a.k.a. Almajali, and WADDAH MUBAIDIN met at 7418 Vernon Square Drive, Alexandria, Virginia, the residence of WADDAH MUDAIDIN, to discuss the sale of cocaine to DANNY COOPER, a.k.a. Indio.

12. On or about May 21, 2007, MOHAMMAD ALAZZAM distributed a one tablet sample of Ecstasy in Alexandria, Virginia, and said he would supply 1,000 tablets of Ecstasy on two difference dates.

13. On or about May 22, 2007, MOHAMMAD ALAZZAM, DANNY COOPER, JOSEPH DEW, a.k.a. Skoot, met at the Malibu Grill, 5715 Columbia Pike, Falls Church, Virginia with an ICE undercover agent to discuss the purchase of 150 kilograms of cocaine and the sale of

Ecstasy.

14. On or about May 30, 2007, MOHAMMAD ALAZZAM and AMJAD ALOKUSH met with ICE undercover agents at Pistone's Italian Inn, 6320 Arlington Boulevard, Seven Corners, Virginia to further discuss the sale of 150 kilograms of cocaine and the sale of "several thousand" tablets of Ecstasy.

15. On or about June 1, 2007, MOHAMMAD ALAZZAM used a communication facility (cell phone) to speak with an ICE undercover agent to arrange for the sale of Ecstasy.

16. On or about June 11, 2007, MOHAMMAD ALAZZAM used a communication facility (cell phone) to speak with an ICE undercover agent to arrange for the sale of Ecstasy.

17. On or about June 12, 2007, MOHAMMAD ALAZZAM and IYAD ABDULLAH, at a Dunkin' Donuts, 132 Tuckahoe Road, Yonkers, New York, delivered 1,015 tablets of Ecstasy to ICE undercover agents in exchange for \$10,000.

18. On or about June 14, 2007, MOHAMMAD ALAZZAM, DANNY COOPER, and JOSEPH DEW, a.k.a. Skoot, met with ICE undercover agents at the Extra Virgin Restaurant, 4053 Campbell Ave., Arlington, Virginia, and discussed the purchase of 150 kilograms of cocaine. COOPER said he would "flash" (show) \$600,000 to the undercover agents, and had secured \$1,200,000 toward the total purchase price of \$1,500,000 for the 150 kilograms of cocaine. COOPER said the he could sell 250 to 300 kilograms per month and wanted to enter into a long term relationship with the undercover agents.

19. On or about June 22, 2007, DANNY COOPER and JOSEPH DEW, a.k.a. Skoot, met with ICE undercover agents in Maxton, North Carolina to "flash" (show) them the money that would be used to purchase the 150 kilograms of cocaine.

20. On or about June 29, 2007, MOHAMMAD ALAZZAM, met ICE undercover agents at La Madeline Restaurant, 1833 Fountain Drive, Reston, Virginia to discuss the purchase of the 150 kilograms cocaine deal, and that COOPER and DEW wanted to buy 25 kilograms of cocaine for \$85,000 with their own money.

21. On or about July 16, 2007, MOHAMMAD ALAZZAM, drove to Rowland, North Carolina.

22. On or about July 17, 2007, DANNY COOPER took MOHAMMAD ALAZZAM to Stunna Automotive, Maxton, North Carolina and "flashed" (showed) him \$500,000 in cash that would be used to buy 100 kilograms of cocaine. ALAZZAM took a picture of the money with his cell phone.

23. On or about July 24, 2007, MOHAMMAD ALAZZAM met with an ICE undercover agent at Extra Virgin Italian Restaurant in Arlington, Virginia to discuss the purchase of 100 kilograms of cocaine and showed a picture of the money he took while he was at Stunna Automotive in Maxton, North Carolina.

24. On or about July 24, 2007, MOHAMMAD ALAZZAM, MUNEER MAJALI, a.k.a. Almajali, and WADDAH MUBAIDIN drove to Lumberton, North Carolina.

25. On or about July 25, 2007, MOHAMMAD ALAZZAM met with DANNY COOPER in Lumberton, North Carolina to negotiate the purchase of 100 kilograms of cocaine.

26. On or about July 25, 2007, MOHAMMAD ALAZZAM, MUNEER MAJALI, a.k.a. Almajali, and WADDAH MUBAIDIN drove from Lumberon, North Carolina to MUBAIDIN'S apartment, 7418 Vernon Square Drive, Alexandria, Virginia.

27. On or about July 31, 2007, DANNY COOPER, in North Carolina, used a

communication facility (cell phone) to speak with an ICE undercover agent about the purchase of 100 kilograms of cocaine.

28. On or about August 7, 2007, DANNY COOPER, in North Carolina, used a communication facility (cell phone) to speak with an ICE undercover agent about the purchase of 100 kilograms of cocaine for \$1,200,000.

29. On or about August 10, 2007, DANNY COOPER, in North Carolina, used a communication facility (cell phone) to speak with an ICE undercover agent about the purchase of 100 kilograms of cocaine.

30. On or about August 23, 2007, MOHAMMAD ALAZZAM met with ICE undercover agents at the Extra Virgin Italian Restaurant, 4053 Campbell Avenue, Arlington, Virginia during which ALAZZAM said he had an associate from Jordan who would be arriving shortly and wished to purchase 25 kilograms of cocaine.

31. On or about September 20, 2007, FARES ABULABAN, a.k.a Sameh, MOHMMAD ALAZZAM, and WADDAH MUBAIDIN met with ICE undercover agents at the Sahara Cafe, 240 Walnut Street, Morgantown, West Virginia to discuss the purchase of 20 kilograms of cocaine and the purchase of an interest in the Sahara Cafe.

32. On or about September 24, 2007, MOHAMMAD ALAZZAM met with ICE undercover agents at the La Madeline Restaurant, 1833 Fountain Drive, Reston, Virginia, during which ALAZZAM was given \$15,000 by the undercover agents for a 50% ownership in the Sahara Cafe in Morgantown, West Virginia.

33. On or about September 28, 2007, MOHAMMAD ALAZZAM, DANIEL PAGE, and CHRISTOPHER LOCKLEAR met with ICE undercover agents at Hill City Chop House, 10099

Brook Road, Glen Allen, Virginia and negotiated the purchase of 20 kilograms of cocaine. At that time, PAGE AND LOCKLEAR showed, and attempted to give, the undercover agents \$110,000 to use as a down payment for the 20 kilogram purchase.

34. On or about October 16, 2007, DANIEL PAGE, in a telephone conversation, told an ICE undercover agent that he had \$125,000 ready as a down payment for the purchase of 20 kilograms of cocaine.

35. On or about October 18, 2007, DANIEL PAGE, used a communication facility (cell phone) to tell an ICE undercover agent that he wanted to increase his order from 20 kilograms of cocaine to 50 kilograms of cocaine.

36. On or about November 9, 2007, FARES ABULABAN, a.k.a. Sameh, met with ICE undercover agents in Morgantown, West Virginia to discuss the possible distribution of cocaine at various nightclubs in Morgantown and told the agents that ABULABAN and his associates could sell up to 12 kilograms of cocaine a week at the nightclubs in Morgantown.

37. On or about January 8, 2008, FARES ABULABAN, a.k.a. Sameh, met with ICE undercover agents at the Malibu Grill, 5715 Columbia Pike, Falls Church, Virginia to discuss structuring a bulk purchase of 20 kilograms of cocaine.

38. On or about January 9, 2008, FARES ABULABAN, a.k.a. Sameh, met with CHARLES JONES in ABULABAN's car parked near 1245 13th Street, N.W., Washington, D.C. and discussed the purchase by JONES of 5 kilograms of cocaine for \$65,000.

39. On or about January 22, 2008, FARES ABULABAN, a.k.a. Sameh, and CHARLES JONES met with ICE undercover agents at Clyde's Restaurant, 3222 ^{W. 14th} ~~N~~ Street, N.W., Washington, D.C., to discuss the purchase of 5 kilograms of cocaine for \$12,000 per kilogram.

40. On or about January 25, 2008, FARES ABULABAN, a.k.a. Sameh, used a communication facility (cell phone) to speak with an ICE undercover agent regarding the distribution of cocaine.

41. On or about January 28, 2008, JUBAL CULVER met with ICE undercover agents at the Extra Virgin Italian Restaurant, 4053 Campbell Avenue, Arlington, Virginia, and informed them that he was one of the individuals that was structuring the planned purchase of cocaine with FARES ABULABAN, a.k.a. Samen, and that he had two individuals from the Pittsburgh, Pennsylvania area that would purchase 15 kilograms of cocaine through ABULABAN from the undercover agents.

42. On or about February 6, 2008, FARES ABULABAN, a.k.a. Sameh, used a communication facility (cell phone) to speak with an ICE undercover agent to facilitate the planned distribution of cocaine.

43. On or about February 7, 2008, FARES ABULABAN, a.k.a. Sameh, and JUBAL CULVER met with ICE undercover agents at the Panera Bread Restaurant, 357 Patteson Drive, Morgantown, West Virginia, to discuss arrangements for the purchase of 20 kilograms of cocaine. They agreed the sale would take place on February 15, 2008 at Club Envy, a nightclub in Morgantown, West Virginia.

44. On or about February 9, 2008, FARES ABULABAN, a.k.a. Sameh, used a communication facility (cell phone) to call an ICE undercover agent to inform him that ABULABAN had spoken with the buyers from Pittsburgh and they agreed that the purchase would take place on February 15, 2008 in Morgantown, West Virginia.

45. On or about February 12, 2008, JABUL CULVER, used a communication facility (cell phone) to speak with an ICE undercover agent and told the agent that the transaction for the

purchase of the 20 kilograms of cocaine could not take place at Club Envy until 5 or 6 p.m.

46. On or about February 13, 2008, FARES ABULABAN, a.k.a. Sameh, used a communication facility (cell phone) to speak with an ICE undercover agent, and asked the agent to provide ABULABAN two additional kilograms of cocaine.

47. On or about February 13, 2008, JUBAL CULVER used a communication facility (cell phone) to speak with an ICE undercover agent, and informed the agent that CULVER had everything ready for the 5:00 p.m. February 15, 2008 cocaine transaction at Club Envy, and that the security cameras would be turned off.

48. On or about February 14, 2008, FARES ABULABAN, a.k.a. Sameh, JUBAL CULVER, CHARLES JONES, and EDWIN BORJAS, met ICE undercover agents at Club Envy in Morgantown, West Virginia to discuss the cocaine transaction that was planned for the following day.

49. On or about February 15, 2008, at approximately 4:45 p.m., EDWIN BORJAS, outside the Morgan Hotel in Morgantown, West Virginia, gave FARES ABULABAN, a.k.a Sameh, a package containing \$40,020 in partial payment for the cocaine that would be delivered later that day. ABULABAN in turn gave the package to an ICE undercover agent.

50. On or about February 15, 2008, at approximately 5:00 p.m., FARES ABULABAN, a.k.a. Sameh, CHARLES JONES, and EDWIN BORJAS entered Club Envy along with ICE undercover agents.

51. On or about February 15, 2008, at approximately 5:10 p.m., JASON YOUNG and BRUCE JOHNSON entered Club Envy carrying \$69,990 in a backpack. YOUNG told FARES ABULABAN, a.k.a. Sameh, that YOUNG wanted to buy an additional amount of cocaine for \$30,000 later that evening.

52. On or about February 15, 2008, at approximately 5:20 p.m., GEORGE LEMON and SHAWAN DELMORE arrived at Club Envy carrying a black bag that contained \$80,500.

53. On or about February 15, 2008, JASON YOUNG carried a firearm into Club Envy, to wit: a Taurus revolver type pistol.

54. On or about February 15, 2008, JUBAL CULVER carried a firearm into Club Envy, to wit: a .9 mm Beretta, semi-automatic pistol.

55. On or about February 15, 2008, DOUGLAS JAMES carried a firearm into Club Envy, to wit: a Ruger .9 mm, semi-automatic pistol.

56. On or about February 15, 2008, FARES ABULABAN, a.k.a. Sameh, possessed in his car, which he drove to Club Envy, a firearm, to wit: a silver Davis Industries, 380 caliber, semi-automatic pistol.

57. On or about February 15, 2008, FARES ABULBAN, a.k.a. Sameh, JUBAL CULVER, EDWIN BORJAS, DOUGLAS JAMES, CHARLES JONES, JASON YOUNG, BRUCE JOHNSON, GEORGE LEMON, and SHAWN DELMORE, a.k.a. Shawan participated in the distribution of cocaine at Club Envy, Morgantown, West Virginia, a location that is within one thousand feet of the real property of the West Virginia University.

(In violation of Title 21, United States Code, Sections 841 (a)(1), 846, and 960 (b)(1)(B) & (b)(3).)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 12, 2007, in Loudoun County, Virginia, within the Eastern District of Virginia, and elsewhere, the defendants, FARES ABULABAN, a.k.a. Sameh, MOHAMMAD ALAZZAM, IYAD ABDULLAH, AMJAD ALOKUSH, and WADDAH MUBAIDIN did unlawfully, knowingly, and intentionally distribute, and aid and abet in the distribution, of 1,015 tablets of a mixture and substance containing a detectable amount of Ecstasy (3,4-methylenedioxy amphetamine /MDA), a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a) (1) and Title 18, United States Code, Section 2.)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 15, 2008, in the Eastern District of Virginia, the defendant, FARES ABULABAN, a.k.a. Sameh, did knowingly possess a firearm, that is, a .380 caliber semi-automatic hand gun made by Davis Industries, serial number AP458914, in furtherance of, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Count One of this indictment.

(In violation of Title 18, United States Code, Section 924(c)(1)(A)(i)).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 15, 2008, in the Eastern District of Virginia, the defendant, JUBAL CULVER, did knowingly possess a firearm, that is, a .9 mm semi-automatic stainless steel hand gun made by Beretta, serial number BER035231, in furtherance of, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Count One of this indictment.

(In violation of Title 18, United States Code, Section 924(c)(1)(A)(i)).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 15, 2008, in the Eastern District of Virginia, the defendant, JASON YOUNG, did knowingly possess a firearm, that is, a .357 silver “ultra-light titanium” revolver made by Taurus, in furtherance of, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Count One of this indictment.

(In violation of Title 18, United States Code, Section 924(c)(1)(A)(i)).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 15, 2008, in the Eastern District of Virginia, the defendant, DOUGLAS JAMES, did knowingly possess a firearm, that is, a .9 mm semi-automatic handgun made by Ruger, in furtherance of, and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Count One of this indictment.

(In violation of Title 18, United States Code, Section 924(c)(1)(A)(i)).

FORFEITURE ALLEGATION

As a result of committing one or more of the controlled substance offenses alleged in Counts One (conspiracy to possess with intent to distribute cocaine and Ecstasy, in violation of 21 U.S.C. 841 (a)(1) and 846) and Count Two (distribution of Ecstasy, in violation of 21 U.S.C. 841 (a)(1) and aiding and abetting the distribution of Ecstasy, in violation of 18 U.S.C. 2) of this Indictment, FARES ABULABAN, a.k.a. Sameh, MOHAMMAD ALAZZAM, AMJAD ALOKUSH , IYAD ABDULLAH, MOHAMED EL-BECHIR, WADDAH MUBAIDIN, MUNEER MAJALI, a.k.a. Almajali, DANNY COOPER, a.k.a. Indio, JOSEPH DEW, a.k.a. Skoot, DANIEL PAGE, CHRISTOPHER LOCKLEAR, JUBAL CULVER, CHARLES JONES, GEORGE LEMON, EDWIN BORJAS, DOUGLAS JAMES, JASON YOUNG, BRUCE JOHNSON, and SHAWAN DELMORE , the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that the said defendants obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Six of this Indictment including, but not limited to, the following:

1. 1990 GMC Yukon SUV;
2. 1972 Mercedes Benz Classic Sedan;
3. 2001 Chevrolet 3500 "Duelle" pick up truck;
4. 1999 Mitsubishi Montero SUV;

5. 2000 Cadillac Sedan Deville;

6. 2004 BMW 745i Luxury Sedan

a sum of money equal to approximately \$3.5 million in United States currency, representing the potential amount of proceeds that would have been obtained as a result of the controlled substance offenses for which the defendants are liable.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841 (a)(1), 846, and 853.)

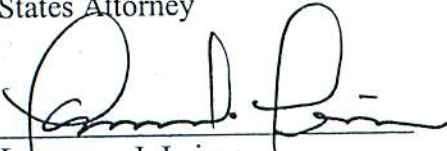
A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON OF THE GRAND JURY

CHUCK ROSENBERG
United States Attorney

By:


Lawrence J. Leiser
Assistant United States Attorney